

University of Oklahoma College of Law University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

6-8-1874

Protest of the president, councilors, and people of the Seneca Nation of Indians, made in their national council, against the passage of the bill (H. R. No. 3080) to authorize the Seneca Nation to lease their lands within the Cattaraugus and Allegany reservations, and to confirm existing leases

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>

 Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

S. Misc. Doc. No. 122, 43d Congress, 1st Sess. (1874)

This Senate Miscellaneous Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

PROTEST
OF THE
PRESIDENT, COUNCILORS, AND PEOPLE OF THE
SENECA NATION OF INDIANS,
MADE IN THEIR NATIONAL COUNCIL,

AGAINST THE

Passage of the bill (H. R. No. 3080) to authorize the Seneca Nation to lease their lands within the Cattaraugus and Allegany reservations, and to confirm existing leases.

JUNE 8, 1874.—Referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate of the United States:

We, the president, councilors, and people of the Seneca Nation of Indians, do most respectfully and earnestly protest against the passage of House bill No. 3080, "An act to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases," now pending before your honorable body. And we appeal to the treaties existing between the United States of America and the Senecas, and insist that under their terms we should be protected against any legislation which deprives us of any part of the lands so guaranteed to us. And we would further state, as to the existing leases referred to, in said House bill No. 3080, they never had any validity, and it was so understood by all parties to them when they were executed; all leases of Indian lands were prohibited by the laws of the State of New York, (see laws 1813, 1821, and 1845;) and these leases were made void in law and equity by the United States laws for 1834, sections 11 and 12; and more, such leases were prohibited by the laws, customs, and usages of the Seneca tribe and Nation; and it was so distinctly understood, by the parties who applied to the councilors of the Nation to ratify them, that the councilors had no such power or authority; yet this bill proposes to make valid, not only those acts forbidden by the statutes of the United States, but also forbidden by the laws of the State of New York, and in violation of the rights, customs, laws, and usages of the Seneca Nation who own the land so effected, and by so doing force upon this Nation these void, forbidden, and worthless leases, and compel them to carry them into effect, and to that extent deprive said Nation of their lands, in violation of treaty stipulations.

And your petitioners would further state, as to the powers conferred in said House bill No. 3080, in relation to leases hereafter to be made,

that the Seneca Nation holds all of said lands in tribal or national capacity; that their lands have not been allotted or divided; all the right any individual Indian has therein is confined to possession; that to confer the right of leasing upon individuals would work injustice among our people. That such an act would compel Indians to go into the courts of the United States, or of the State of New York, to obtain possession of their lands if a white man disputed it, as those tribunals would have sole jurisdiction to try all questions of right to your petitioners' land, and thus our courts would be legislated out of jurisdiction to try actions concerning the possession of their own lands.

Given in national council at the court-house on the Cattaraugus reservation, June 3, 1874.

WILLIAM NEPHEW, *President.*

Names of the councilors, Seneca Nation of Indians.

George Dennis.

William Krouse.

Isaac Halftoun.

Wallace Halftoun.

Peter Snow.

Casler Redeye.

Peter Sundown.

William Redeye.

John Jack.

Henry Huffpur.

Andrew John, jr.

Adam Pierce.

Hiram Dennis.

Joseph Jemerson.

Samuel Jemerson.

CEPHAS TWO GUNS,

Clerk for the Seneca Nation of Indians.